

REMARKS

The above-referenced Office Action has been carefully reviewed and reconsideration thereof is respectfully requested.

The Examiner states that no Form 1449 has been found in the application. No new Information Disclosure Statement has been submitted herewith, since the relevant patents therein have already been cited by the Examiner.

Claims 1, 6, and 8 have been rejected under 35 USC 102(b) as being anticipated by Jewell. Applicants respectfully traverse this ground of rejection.

As to Claims 1 and 8, those claims contain the limitation of apparatus for, or method of, selectively adjusting the height of the proximal end of the horizontal support member above a window sill. Jewell shows no such apparatus or method. What the Examiner refers to as height adjustment means (34) are tie rods used to adjust the angle at which the shoes (39) engage the wall and cannot be used to adjust the height of the proximal end of the horizontal support member. The proximal end of the Jewell bracket is a Z-shaped front rail (15) which at all times directly engages

the window sill regardless of the adjustment of the tie rods.

As to Claim 6, that claim contains a limitation not shown by the reference when taken with the limitations of the claim from which it depends.

"For a prior art reference to anticipate in terms of 35 USC 102, every element of the claimed invention must be identically shown in a single reference." *Diversitech v. Century Steps Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). Since an important element of Applicants' claimed is not shown by Jewell, that reference fails this test.

Claims 5 and 12 have been rejected under 35 USC 103(a) as being unpatentable over Jewell. Applicants respectfully traverse this ground of rejection.

Those claims have been amended to more particularly point out and distinctly claim that Applicants' level indicating means is integrally disposed on the bracket. Support for this amendment is found, for example, from inspection of Figure 3 and the accompanying text. Jewell fails to show any level indicating means nor does he suggest the desirability thereof.

Claims 4 and 11 have been rejected under 35 USC 103 as being unpatentable over Jewell in view of Nelson.

Applicants respectfully traverse this ground of rejection and incorporate here the above remarks with respect to Jewell.

Contrary to the Examiner's assertion, Nelson does not show spacers for adjusting the height of the support member with respect to the window opening. The "spacers" (7) which the Examiner refers to are, in fact, stiffening blocks which are disposed between the support member and a platform for an air conditioner, generally at the distal end of the support member. They do not adjust the height of the support member. More specifically, Applicants' claims are directed to selectively adjusting the height of the proximal end of the support member. The proximal end of the support member of Nelson at all times rests directly on the sill regardless of the thickness of the stiffening blocks.

Claims 7 and 13 have been rejected under 35 USC 103(a) as being unpatentable over Jewell in view of Reeves.

Applicants respectfully traverse this ground of rejection and incorporate here the above remarks with respect to Jewell.

It is respectfully submitted that the limitations of these claims are not rendered obvious by the references when taken with the limitations of the claims from which they depend.

The Examiner has indicated that Claims 2, 3, 9, and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. New Claims 14-17 are those claims so rewritten.

In view of the above amendments and remarks, it is respectfully submitted that the claims in the application, Claims 1-17, are allowable and early action in that regard is respectfully requested.

Should any questions remain as to the allowability of the claims or should the Examiner have any suggestions with respect thereto, the undersigned would be grateful for the privilege of a telephone conference with the Examiner.

Date: October 26, 1996.

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D. C. 20231.

Respectfully submitted,

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